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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,936	07/25/2000	James D. Pravetz	07844-431001	7068
21876	7590	12/30/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			KIANERSI, MITRA	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,936

Applicant(s)

PRAVETZ ET AL.

Examiner

Mitra Kianersi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1- 6,12-19, and 25-26 rejected under 35 U.S.C. 102(e) as being anticipated by Kato (U.S. Patent No. 5,809,512)

1. Regarding claim 1, an apparatus comprising:

a computer executable for processing a file of a first file type, comprising:

a first module that identifies a content type of the file, the first module performing a first function if the file includes a first content type, (a first data service section including first data storage means having stored therein hypertext page data and monomania data, the monomania data including scenario reference data corresponding to respective hyper video clips, the scenario reference data being connected by hyperlinks to the hypertext page data, the scenario reference data including storage location information for respective scenario data files of the hyper video clips within second data storage means, the first data service section being responsive to externally supplied first data transfer commands for selectively reading out the hypertext page data and scenario reference data; col 9, lines 8-20)

a second module that identifies the content type of the file, the second module performing a second function different from the first function if the file includes a second content type; (a second data service section, including the second data storage means having stored therein data constituting the hyper video clips, responsive to second data transfer commands for selectively reading out the data, the data of a hyper video clip consisting of a scenario data file and a plurality of subject matter data files for respective monomania data items, the monomania data items

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including a video clip which has been preassigned as a reference video clip, the scenario data including storage location information for the subject matter data files with respect to the second data storage means and playing information including times of starting playing the contents of respective ones of the subject matter data files other than the reference video clip, the starting times being specified in terms of frame numbers of the reference video clip; col 9, lines 21-35)

a HTTP client that receives files of the first type and a second type from a network, the HTTP client causing the computer executable to process files of the first type. (the data input/output section and information browsing means in combination can constitute a client terminal, and the first data service section and second data service section in combination can constitute a server computer for providing hypertext data and hyper video data to the client terminal, with the client terminal and server computer being mutually connected by the data communication path. Col 11, lines 34-41)

2. Regarding claims 2 and 16, teaches an apparatus and a method, wherein the first content type includes a set of instructions and the first module executes the instructions. (FIG. 56 is a flow diagram for illustrating the basic operation sequence which is executed for transferring a hyper video mail item between two client terminals)

3. Regarding claims 3 and 17, an apparatus and a method, wherein the apparatus is associated with a computer processor and the computer executable further comprises an extraction module, the instructions causing the extraction module to extract information from the computer. (mail processing means for receiving externally supplied hyper video mail items, extracting the destination information from an externally supplied hyper video mail item, transferring the subject matter data and scenario data contents of the hyper video mail item to the second data service section to be stored in the second data storage means, and transferring resultant storage location information for the subject matter data and scenario data, in conjunction with the mail destination information, to the first data service section for thereby generating a scenario reference

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file for the mail item and updating the hyper video mail page data. Col 11, lines 66-67 and col 12, lines 1-9)

4. Regarding claims 4 and 12, apparatus and a method, wherein the computer executable further comprises a third module for transmitting the extracted information by generating a HTTP request containing the information and sending the HTTP request over the network. (for notifying the 2nd distribution transmitting means when the received data consist of a request for retransmission of a hyper video message and for supplying the request to the 2nd distribution transmitting means. Col 17, lines 14-21)

5. Regarding claims 5 and 18, a method and an apparatus wherein the extracted information includes habitat Information. (In FIG. 93 which shows only the server computers of each LAN of the wide-area network, with client terminals being omitted, the server computers A, C are located in an environment in which it is ensured that a continuous path will exist between these, via the wide-area network, during an FTP file transfer operation. However server computer B is located in an environment in which such a path condition is not ensured between that server computer and server computer A, but for which reliable data transfer using the SMTP can be ensured. Col 77, lines 35-52)

6. Regarding claim 6 and 19, a method and an apparatus wherein the habitat information includes at least one of a machine ID, a storage ID, an Ethernet address, and a processor ID. (The information browsing section 2 further includes an acquired data storage section 22, for holding downloaded WWW data, and a monomania data playing section 23 which controls playing of the WWW data. Col 2, lines 45-52)

7. Regarding claim 14, a method for processing a file comprising: receiving a file and information about a type of the file; selecting a computer executable associated with the file using the information about the type of the file; and causing the computer executable to process the file, with processing further comprising: determining whether the file includes a first content type, the computer executable performing a first function if the file includes the first content type; and determining whether the file includes a

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second content type, the computer executable performing a second function different from the first function if the file includes the second content type. (a first data service section including first data storage means having stored therein hypertext page data and monomania data, the monomania data including scenario reference data corresponding to respective hyper video clips, the scenario reference data being connected by hyperlinks to the hypertext page data, the scenario reference data including storage location information for respective scenario data files of the hyper video clips within second data storage means, the first data service section being responsive to externally supplied first data transfer commands for selectively reading out the hypertext page data and scenario reference data; col 9, lines 8-20) and (a second data service section, including the second data storage means having stored therein data constituting the hyper video clips, responsive to second data transfer commands for selectively reading out the data, the data of a hyper video clip consisting of a scenario data file and a plurality of subject matter data files for respective monomania data items, the monomania data items including a video clip which has been preassigned as a reference video clip, the scenario data including storage location information for the subject matter data files with respect to the second data storage means and playing information including times of starting playing the contents of respective ones of the subject matter data files other than the reference video clip, the starting times being specified in terms of frame numbers of the reference video clip; col 9, lines 21-35) and (the data input/output section and information browsing means in combination can constitute a client terminal, and the first data service section and second data service section in combination can constitute a server computer for providing hypertext data and hyper video data to the client terminal, with the client terminal and server computer being mutually connected by the data communication path. Col 11, lines 34-41)

8. Regarding claim 15, a method for generating HTTP request containing information and sending the information by sending the HTTP request over a network. (The WWW data service section 3 is made up of a WWW data storage section 31, such as a high-capacity hard disk data storage device, and a WWW data management section 32 which outputs specific parts of the WWW data (i.e. in units of hypertext data pages or data files) to the data communication path 4 in accordance with requests which are sent from the information browsing section 2 via the data communication path 4. Such requests are generated based on hyperlink selection operations executed using the input apparatus 11. Col 2, lines 53-63)

9. Regarding claims 13 and 25, an apparatus and a method, wherein the method is either a PUT or a GET method. (Step 2: Refer to the "List of Stored Files" in the message updating information, then execute the Internet FTP "get" command to acquire each of these files from the hyper video data service section 150 of the distribution server computer A. Col 82, lines 1-6)

10. Regarding claim 26, a method, wherein the file contains the first content type and the second content type, the computer executable processing the file to perform both the first and the second function. The file includes a first content type and performs a first function if the file includes the first content type. The computer executable also includes a second module that determines whether the file includes a second content type and performs a second function different from the first function if the file includes the second content type. (a first data service section including first data storage means having stored therein hypertext page data and monomania data, the monomania data including scenario reference data corresponding to respective hyper video clips, the scenario reference data being connected by hyperlinks to the hypertext page data, the scenario reference data including storage location information for respective scenario data files of the hyper video clips within second data storage means, the first data service section being responsive to externally supplied first data transfer commands for selectively reading out the hypertext page data and scenario reference data; col 9, lines 8-20) and (a second data service section, including the second data storage means having stored therein data constituting the hyper video clips, responsive to second data

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transfer commands for selectively reading out the data, the data of a hyper video clip consisting of a scenario data file and a plurality of subject matter data files for respective monomania data items, the monomania data items including a video clip which has been preassigned as a reference video clip, the scenario data including storage location information for the subject matter data files with respect to the second data storage means and playing information including times of starting playing the contents of respective ones of the subject matter data files other than the reference video clip, the starting times being specified in terms of frame numbers of the reference video clip; col 9, lines 21-35) and (the data input/output section and information browsing means in combination can constitute a client terminal, and the first data service section and second data service section in combination can constitute a server computer for providing hypertext data and hyper video data to the client terminal, with the client terminal and server computer being mutually connected by the data communication path. Col 11, lines 34-41)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7-11 and 20-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (U.S. Patent No. 5,809,512) and further in view of Jilk, et al. (US 2002/0010746)

11. Regarding claims 7 and 20, Kato discloses all the features of the claimed invention except that does not expressly show the method and system in which the instructions cause the first module to install computer software on a computer associated with the apparatus. However, Jilk, et al. in (Page 9, Part [0110]) teach the

mailer (module) transmits the HTTP request and waits for a response. The Web server locates the requested page or executes the specified application program (computer software) to generate the response page. Accordingly, It would have been obvious to a person of ordinary skill in the networking art at the time the invention was made to have incorporated Kato's teaching of information provider apparatus with the teaching of Jilk et al. because a time lag problem exists when monomania data such as a still picture data file is downloaded from a hyperlink of a hypertext page. One attempt to reduce this problem, with respect to still picture (graphics) data, is provided by the Netscape browser program (developed by Netscape Communications Co., U.S.A.) for WWW data communication. When a client terminal utilizes that program, it becomes possible to begin displaying the contents of a still picture while the picture data are in the process of being downloaded by the client terminal. However in the case of video data, it is still necessary to store all of the contents of a video data file beforehand at the client terminal, before playing of the data can begin. There is therefore a requirement for an information provider apparatus whereby a user can easily select multimedia data to be played, from among a plurality of different sets of multimedia data, i.e. different multimedia data clips, and whereby there is no substantial time lag between the point at which such a selection operation is performed by the user and the point at which playing of the selected multimedia data begins. Col 7, lines 16-36)

12. Regarding claims 8 and 21, Kato discloses all the features of the claimed invention except that does not expressly show the method and system where the computer software is an updated version of the computer executable for processing a file. However Jilk et al. in (Page 13, part [0146]) teach an update query is executed (step 1311) that changes the request status to "processing" for the row indicated by request.

13. Regarding claims 9-12 and 22-24, Kato does not show a method and an apparatus where at least one of the first and second functions includes displaying, uncompressing, and storing at least a portion of the information contained within the file.

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However Jilk et al. in (Page 15, [0169]) teach the steps are re-ordered so that portions of the final message are constructed as soon as the data is available. For example, the images could be translated while the message is built at the end rather than cached and stored.

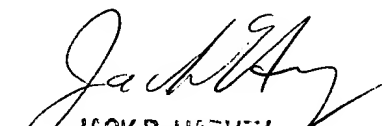
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571) 272-3915. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitra Kianersi
Dec/17/2004


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